

REMARKS

Claims 1, 6, and 11 are pending. Claims 1, 6, and 11 have been rejected. In this Amendment, Claims 1 and 6 have been amended. New Claims 12 and 13 have been added. No new matter has been added. Support for the new claims may be found throughout the specification, specifically on pages 4 and 5 of the specification.

Claims 1 and 11 have been rejected under 35 U.S.C. 112, second paragraph, as indefinite. The Examiner has rejected Claim 1 for its recitation of “(inclusive)” and Claim 11 has been rejected as being dependent upon Claim 1. It is noted that Claim 6 also contains the term “(inclusive).” Applicants have adopted the Examiner’s suggestion and removed this term from Claims 1 and 6. It is requested that the rejection be withdrawn.

Claims 1, 6, and 11 have been rejected under 35 U.S.C. 102(b) as anticipated by or under 35 U.S.C. 103(a) as rendered obvious by Nelson (U.S. Patent No. 6,194,329). It is submitted that this rejection is improper.

It is noted that the Examiner cited Nelson as a reference under 35 U.S.C. 102(b). However, because the present invention has a priority date of October 19, 1999 (which is prior to the issue date of Nelson), it is submitted that Nelson cannot be a reference under 35 U.S.C. 102(b). It is the Applicants’ belief that the Examiner intended to make this rejection under 35 U.S.C. 102(e)(2) and Applicants will so address the rejection in this Response. Appropriate correction of the Office Action is requested.

It is submitted that a comparison of the claimed invention to the disclosure of Nelson renders the rejection improper. As recited in the claims of the present application, the pending skin body is comprised of a synthetic resin in which an infrared-ray reflective pigment has been dispersed. In other words, the claimed skin only

comprises one layer in which both the resin and the infrared-ray reflective layer is contained. It is noted that Nelson, though, describes a skin with at least four layers, none of which contain both a resin and an infrared-ray reflective coating. Therefore, it is submitted that Nelson can neither anticipate the claimed invention nor render the claimed invention obvious, as Nelson does not teach or suggest this feature of the claimed invention.

In order for a reference to properly anticipate a claim, the reference must teach all the features of the claimed invention. Similarly, an obviousness rejection requires the reference to teach or suggest all of the claimed features. As Nelson fails to teach or suggest a layer in which a resin contains a dispersed infrared-ray reflective layer (much less one in the ratio claimed in Claims 1 and 6), it is submitted that the rejection is improper and it is requested that the rejection be withdrawn.

It is also noted that the Examiner has taken the position that the height requirements of the claims would have been inherent to Nelson. It is submitted that the rejection is improper. It is submitted that the Examiner has presented no evidence to support this position other than her opinion.

Under MPEP section 2112, it is stated that "the Examiner must provide rationale or evidence tending to show inherency." This burden is defined in the MPEP and it is stated that it is not enough for the Examiner to show that a "certain result or characteristic may occur or be present in the prior art ... to establish the inherency of that result or characteristic." The MPEP makes clear that in order "[t]o establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so

recognized by persons of ordinary skill.” Further, “[i]nherency ... may not be established by probabilities or possibilities” and that the “mere fact that a certain thing may result from a given set of circumstances is not sufficient.” Finally, the MPEP reads that “[i]n relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.”


It is submitted that the Examiner has not satisfied this burden. The Examiner has presented no evidence to support the rejection. All the Examiner has stated is that “it is reasonable to presume that claimed height of the projections is 0.05 or more ... and is 0.35 mm or less ... is inherent to Nelson.” Further, the only support for this statement is that “support for said presumption is found in the use of like materials (i.e., resin coated knitted fabric) which would result in the claimed property” and that the claimed height projections would “obviously have been present once the Nelson product was provided.” It is submitted that no objective evidence to support the rejection has been provided. Therefore, it is requested that this basis for the rejection be withdrawn.

In the event that this paper is not considered to be timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fee

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deficiency or credit any overpayment to Deposit Account No. 01-2300, referring to
client-matter number 107348-00119.

Respectfully submitted,


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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims have been amended as follows:

Claim 1. (Four times Amended) An uneven wiping sheet having pores and comprising an uneven base material on which powder is supported and [with] in which an aqueous medium is impregnated, wherein the ratio of the average pore diameter (D) of the surface of said base material while dry as measured by the mercury penetration method to the average particle diameter (d) of said powder, D/d , ranges from 0.03 to 30, said base material while dry has a bulk softness of from 0.1 to 5 N/30 mm and a thickness of from 0.3 to 5 mm, said average pore diameter (D) ranges from 0.1 to 30 μm , said average particle diameter ranges from 1 to 30 μm , said base-material has a multi-ply structure comprising two or more single-ply webs of the same kind or different kinds, each web contains cellulosic fibers and thermoplastic resin fibers, and said thermoplastic resin fibers contained in adjacent plies said webs are partially press bonded or fusion bonded to form a joint area wherein the uneven base material is formed by embossing using a matched pair of steel rolls.